

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC**

**In the Matter of: CORNERSTONE AVIATION, INC.**

FAA Order No. 2012-13

Docket Nos. Not Assigned

FDMS Nos. FAA-2011-0481, FAA-2011-0484, FAA-2011-0489<sup>1</sup>

Served: December 27, 2012

**ORDER DISMISSING APPEAL**<sup>2</sup>

On August 27, 2012, Administrative Law Judge (“ALJ”) Richard C. Goodwin issued a written initial decision assessing Respondent Cornerstone Aviation, Inc. a \$6,500 civil penalty.

On September 6, 2012, Complainant FAA filed a notice of appeal from the ALJ’s decision.

Under the Rules of Practice, Complainant had a total of 55 days to perfect its appeal by filing an appeal brief – *i.e.*, Complainant had 50 days from the ALJ’s decision under 14 C.F.R. § 13.233(c), plus 5 additional days under the “mailing rule” in 14 C.F.R. § 13.211(e).

Fifty-five days from the ALJ’s decision dated August 27, 2012, was October 22, 2012.

Thus, the deadline for Complainant to perfect its appeal by filing an appeal brief was October 22, 2012.

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<sup>1</sup> Generally, materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing at <http://www.regulations.gov>. 14 C.F.R. § 13.210(e)(1).

<sup>2</sup> The Administrator’s civil penalty decisions, along with indexes of the decisions, the rules of practice, and other information, are available on the Internet at the following address: [www.faa.gov/about/office\\_org/headquarters\\_offices/agc/pol\\_adjudication/AGC400/Civil\\_Penalty/](http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty/). See 14 C.F.R. § 13.210(e)(2). In addition, Thomson Reuters/West Publishing publishes Federal Aviation Decisions. Finally, the decisions are available through LEXIS (TRANS library) and WestLaw (FTRAN-FAA database). For additional information, see the Web site.

Complainant has failed to perfect its appeal by filing an appeal brief.

Accordingly, Complainant's appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).<sup>3</sup>

*THEREFORE, IT IS ORDERED THAT:* Complainant's appeal is dismissed.

MICHAEL P. HUERTA  
ADMINISTRATOR  
Federal Aviation Administration

[Original signed by Sheila Skojec for  
Vicki Leemon.]

VICKI S. LEEMON<sup>4</sup>  
Manager, Adjudication Branch

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<sup>3</sup> Section 13.233(d)(2) provides:

The FAA decisionmaker [the Administrator] may dismiss an appeal, on the FAA decisionmaker's own initiative or upon motion of any other party, where a party has filed a notice of appeal but fails to perfect the appeal by timely filing an appeal brief with the FAA decisionmaker.

<sup>4</sup> Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.